

ORIGINAL

Before the
Federal Communications Commission
Washington, D.C. 20554

RECEIVED

JUN 13 1997

Federal Communications Commission
Office of Secretary

MM Docket No. 87-268

In the Matter of)
)
Advanced Television Systems)
and Their Impact Upon the)
Existing Television Broadcast)
Service)

To: The Commission

DOCKET FILE COPY ORIGINAL

PETITION FOR RECONSIDERATION

Forum Communications Company ("Forum"), the licensee of KMCY-TV, Minot, North Dakota, by its attorneys and pursuant to Section 1.429 of the Commission's rules, hereby respectfully requests reconsideration of the Commission's Sixth Report and Order ("Sixth R&O"), FCC 97-115, released April 21, 1997, 62 Fed. Reg. 26684 (May 14, 1997), insofar as it allocates and assigns channel 14 to KXMD-TV, Williston, North Dakota for digital television ("DTV") service.¹

¹ Throughout the course of the above-captioned proceeding, the Commission has made several modifications to the DTV Table of Allotments contained in Appendix B to the Sixth R&O. Accordingly, the impact of the assignment of DTV channel 14 to KXMD-TV could not be fully analyzed prior to the release of the Sixth R&O. Moreover, the delay of OET Bulletin No. 69 has prevented Forum from fully assessing alternative DTV channel assignments. In view of Forum's previous lack of a meaningful

(Continued...)

No. of Copies rec'd 0211
List A B C D E

Forum's station, KMCY-TV, currently operates on NTSC channel 14. In the DTV Table of Allotments contained in Appendix B to the Sixth R&O, however, the Commission also allotted channel 14 to KXMD-TV as its DTV channel. Appended hereto is an engineering statement indicating that these two stations are located only about 136 km apart--i.e., with only approximately 56 percent of the minimum distance required under the Commission's new DTV/NTSC separation rule, Section 73.623. Thus there is a prospect of interference between the signals of these two stations during the transition period to full DTV service. Moreover, each station would be hampered in future facilities changes by the proximity of the other.

Unfortunately, the Office of Engineering and Technology Bulletin No. 69 ("Bulletin"), which clarifies the Commission's methodology for evaluating coverage areas and interference, is not yet available. Without examining the Bulletin, it is impossible for Forum to determine with certainty which channel would be best suited for substitution for channel 14 at Williston. Forum notes, however, that the National Association

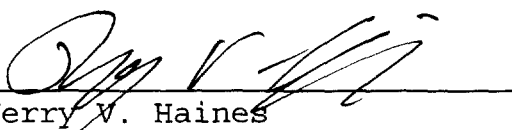
(...Continued)
opportunity to address its specific DTV channel allotment, and the important public interest issues raised herein, Forum submits that it has standing to file this petition for reconsideration pursuant to Section 1.429 of the Commission's rules.

of Broadcasters has published a list of alternative channels, which shows that approximately 50 channels may be available for DTV use in that community.

Accordingly, Forum respectfully requests reconsideration of the Sixth R&O to the extent it allocates DTV channel 14 to KXMD-TV and urges the Commission to amend the DTV Table of Allotments and assign an alternative, non-interfering channel to that station instead.

Respectfully submitted,

FORUM COMMUNICATIONS COMPANY

By: 
Jerry V. Haines
of
WILEY, REIN & FIELDING
1776 K Street, N.W.
Washington, D.C. 20006
(202) 429-7000

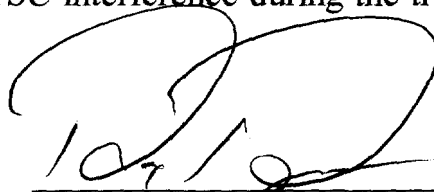
Its Attorneys

June 13, 1997

STATEMENT

I am Chief Engineer of WDAY-TV, Fargo, North Dakota, and also oversee technical matters of KMCY-TV, Minot, North Dakota, which like WDAY-TV, is owned and operated by Forum Communications, Co. KMCY-TV currently operates on NTSC Channel 14. The Commission's Sixth Report and Order indicates that Channel 14 also will be the DTV channel for KXMD-TV, Williston, North Dakota. KXMD-TV and KMCY-TV are located approximately 136 km apart. Section 73.623 (d) (1) of the Commission's rules, however, requires at least 244.6 km spacing between co-channel stations located in Zone II.

Based on the National Association of Broadcasters' Table of "Alternative DTV Channel Assignments in The Continental United States," there are apparently 50 alternative channels for KXMD-TV that would not raise the possibility of DTV to NTSC interference during the transition to full DTV service.



Thomas H. Thompson

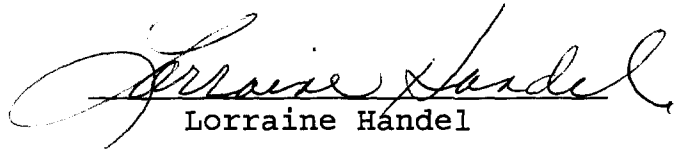
6/12/97

Date

CERTIFICATE OF SERVICE

I, Lorraine Handel, hereby certify that a copy of the foregoing Petition for Reconsideration was delivered via first class, postage prepaid mail to the following this 13th day of June, 1997.

Martin R. Leader, Esq.
Fisher Wayland Cooper Leader & Zaragoza L.L.P.
2001 Pennsylvania Avenue, N.W.
Suite 400
Washington, D.C. 20006-1851


Lorraine Handel